

REMARKS

This Amendment is submitted in response to the Office Action mailed on December 5, 2006. Claims 1, 11, 18, 21, 28 and 29 have been amended, and claims 1-4, 6-11, 14-16, 18-22, 28 and 29 remain pending in the present application. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Claims 1, 3-6, 9, 11, 18-19, 21-22 and 28-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Burgin, U.S. Patent No. 4,156,424. Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Burgin in view of Brantigan, U.S. Patent No. 5,425,772. Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burgin in view of Baynham et al., U.S. Patent No. 6,224,599. Claims 2, 16 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burgin. Lastly, claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burgin. While Applicant respectfully traverses these rejections, Applicant has amended each of independent claims 1, 11, 18, 21, 28 and 29 to more sharply define the claimed invention over the prior art of record and respectfully requests that the rejections be withdrawn.

In particular, Applicant has amended each of independent claims 1, 11, 18, 21, 28 and 29 to recite that the first and second paddles are disposed in a generally

horizontal orientation in the closed or first position, and are disposed in a generally vertical orientation in the open or second position. Support for these amendments is provided at Page 6, lines 1-11 of Applicant's disclosure, for example, as well as in the Figures.

Applicant respectfully submits that in the adjustable speculum of Burgin, the members (62) are always disposed in a generally vertical orientation regardless of how they are pivoted (i.e., opened or closed) (see Col. 5, lines 12-40 and Fig. 3).

Consequently, Applicant respectfully submits that Burgin taken alone, or in combination with other prior art of record, fails to teach or suggest the combination of elements recited in each of independent claims 1, 11, 18, 21, 28 and 29 and the rejections of these claims should be withdrawn.

Moreover, as claims 2-4, 6-10, 14-16, 19, 20 and 22 depend from allowable independent claims 1, 11, 18 and 21 and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicant respectfully submits that these claims are allowable as well.

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Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

In accordance with 37 C.F.R. §1.17(a)(1), Applicant has submitted herewith the \$120 fee for the one (1) month extension. If any additional fees are necessary to complete this communication, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

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